United Nations

A/HRC/32/6/Add.1

General Assembly

Distr.: General
8 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Mozambique

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.16-09280(E)

1609280

Please recycle

Introduction

1. This document is submitted in accordance with the Human Rights Council (HRC) Resolution 5/1. The Republic of Mozambique welcomes the recommendations generated by the UN member States during its Universal Periodic Review on 19th January 2016. During the interactive dialogue 210 recommendations were formulated and Mozambique immediately accepted 158 on the ground that either were considered to have been implemented or in the process of implementation and rejected 14.

2. The Republic of Mozambique postponed the consideration of 38 recommendations, which have been carefully reviewed through extensive internal consultations within the implementing institutions. Furthermore, the 14 rejected recommendations have also been revisited and some were partially accepted or noted.

3. Thus this Addendum represents the official response of the Republic of Mozambique to those recommendations, reflecting our continuing commitment to promote, protect, and respect human rights for all.

4. The methodology and format used in this Addendum are as follows: recommendations that enjoy the support of Mozambique, included in this group, are those considered as implemented or in the process of implementation; and those that do not enjoy the support of Mozambique and thus are noted.

The following recommendations enjoy the support of Mozambique, including those implemented or in the process of implementation

5. Recommendations in this cluster enjoy the support of Mozambique because they are in line with the current legal and policy frameworks and they reflect actions that have been or are being implemented, as part of the Government policies and programs, and thus are achievable within this UPR cycle.

6. Recommendations 128.1. to 128.158, which were accepted immediately after the interactive dialogue on 19th January 2016.

7. Recommendations 129.3., 129.6., 129.7., 129.8., 129.9., 129.14., 129.16., 129.17., 129.18., 129.20., 129.22., 129.23., 129.33, 129.35., 129.37., 129.38. – Accepted.

8. Recommendation 129.25. – Accepted.

Efforts are underway to conduct a national study on the causes, incidence and best ways to deal with the phenomenon of corruption.

9. Recommendation 129.26. – Accepted.

It has already noted a gradual human, material and financial evolution.

10. Recommendation 129.27. – Accepted.

Mozambique has an appropriate legal framework that defines, prevents and comprises civil and criminal punishment for corruption practices. The process of adoption of the new Procedural Criminal Code is ongoing.

11. Recommendation 129.28. – Accepted.

The Mozambican Government has identified the fight against corruption as one of its development priorities and outlined a set of anti-corruption laws, institutions, instruments, and strategies, including a framework of anti-corruption law since 2004. As part of its

overall public sector reform, the Government published guidelines for the development of a national anti-corruption strategy in 2005. In 2008 Mozambique ratified the United Nations Convention against Corruption and set up a dedicated anti-corruption unit to investigate abuses, the Central Office for Combating Corruption (Gabinete Central de Combate a Corrupção, GCCC). Laws on Public Integrity and money laundering were adopted in 2012 and 2013.

12. Recommendation 129.29. – Accepted.

In 2015, corruption was criminalized in the private sector. Awareness raising campaigns on the legislation subsequently followed. Coordination activities between both public and private sectors are ongoing.

13. Recommendation 130.11. – Accepted.

The following recommendations did not enjoy the support of Mozambique and were thus noted

14. Recommendation 129.1. – Noted.

Mozambique accepts the first part of this recommendation regarding the continuity in the signing and ratification of international instruments. However, we remind ourselves that there are instruments that despite having been accepted during the 1st Cycle they are still under the national evaluation process by the relevant institutions.

15. Recommendation 129.2. – Noted.

16. Recommendation 129.4. – Noted.

The withdrawal of reservations to the 1951 Geneva Convention is currently under review. In practice, those reservations have no legal effect in Mozambique.

17. Recommendation 129.5. – Noted.

18. Recommendation 130.7. – Noted.

This position refers only to the ratification of the Rome Statute for the ICC. Recommendations relating to the others were already accepted.

19. Recommendation 129.10. – Noted.

This recommendation enjoys the support of Mozambique. However, it has not been possible to guarantee the resources necessary for its implementation. Therefore further studies are needed to evaluate its economic impact.

20. Recommendations 129.11., 129.12., 129.13. – Noted.

No one is discriminated against in Mozambique on the basis of his/her sexual orientation, in the light of article 35 of the Constitution of the Republic.

21. Recommendation 129.15. – Noted.

Mozambique has launched the national strategy against early marriages which contains preventive measures and actions aiming to tackle harmful acts on children.

22. Recommendation 129.19. – Noted.

23. Recommendation 129.24. – Noted.

The country started a joint initiative involving the Government and civil society, on business and human rights based on the UN Guiding Principles. In this regard several actions have been carried out, including training workshops and a baseline study on

business and human rights in Mozambique. These actions will lead to the development of an action plan which foresees stakeholders' accountability.

24. Recommendations 129.30., 129.32. – Noted.

Defamation was considered a type of crime because it undermines the principles that the law seeks to protect.

25. Recommendation 129.31. – Noted.

Mozambique accepts the first part of the recommendation on the promotion of freedom of expression because it is a principle pursued by the Mozambican Government. However, we take note of the second part, as defamation is considered a criminal offence because it undermines the principles that the law seeks to protect.

26. Recommendations 129.34., 130.13. – Noted.

There is no discrimination based on sexual orientation and for the accreditation of civil society organizations in Mozambique. In the case of LAMBDA and other similar associations, accreditations are pending.

27. Recommendation 129.36. – Noted.

28. Recommendation 130.1. – Noted.

Mozambique has already accepted recommendations relating to the ratification of the ICESCR and first OP-ICCPR and will maintain this position. However, Mozambique maintains the position regarding the ICPPED, though changing from Rejected to Noted.

29. Recommendations 130.2., 130.3., 130.4., 130.5., 130.6., 130.8., 130.9., 130.10. – Noted.

The ratification of these instruments is under a thorough evaluation process in order to identify all its domestic implications.

30. Recommendation 130.12. – Noted.

Mozambique accepts the first part of the recommendation regarding the strengthening of anti-discriminatory measures for vulnerable groups, but rejects the second part of this recommendation based on the fact that there is no discrimination in Mozambique for the recognition of civil society organizations. In the case of the recognition of LAMBDA and other similar associations, the position of the Republic of Mozambique, is that non registration of these associations does not imply a discriminatory practice. Internal consultations with the relevant administrative services and other mechanisms are underway. In the meantime, people with different sexual orientation are enjoying their privacy rights.

31. Recommendation 130.14. – Noted.

Mozambique accepts the recommendation, in regard to ensuring the rights of peasants and other people working in rural areas, but rejects the component on the rights of indigenous peoples since they do not exist in the country.

32. Recommendation 129.21. – Noted.

Under the Constitution, citizens are equal before the law (art. 35), and education is a right and duty of every citizen (Article 88). This means that children, youth and adults of both sexes have the same opportunities to access to education. The girls have the same opportunities as boys in terms of access to schooling and are encouraged to finish their studies.

Awareness raising initiatives in schools and communities, and television and radio spots are part of a national campaign of "Zero Tolerance" against sexual harassment and abuse of

students in schools and communities. The aim is to ensure schools are healthy and safe places, free from abuse and violence.

The recently approved Criminal Code comprises severe sentence for sexual abuses to minors.